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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,298	10/15/2003	G. Gary Gochanour	GGG-10402/29	7109

25006 7590 04/03/2007  
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EXAMINER

LEE, LAURA MICHELLE

ART UNIT PAPER NUMBER

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/686,298

Applicant(s)

GOCHANOUR, G. GARY

Examiner

Laura M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

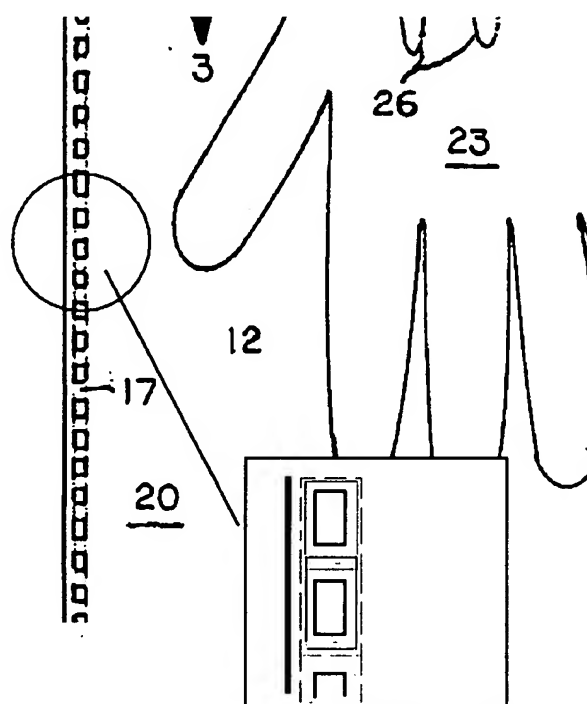
1. In this office action, Claims 1, 4-7, and 10-12 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed 1/08/2007 have been fully considered but they are not persuasive. The applicant contends that the Stephenson reference does not disclose the limitations of "a set of interlocking chains or opposing belts," and that rather the reference 17 merely constitutes perforations in a backing sheet. However, as defined by the Merriam-Webster Online Dictionary, a chain is a "series of things linked, connected, or associated together" and the term interlocked is defined as "to lock together or, to connect so that the motion or operation of any part is constrained by another. Therefore the limitation of an interlocking chain is can be interpreted as -- a series of locked things that are either linked, connected or associated together so that the motion or operation of any part is constrained by another. It is noted that as the material that surrounds the perforations is integral in the structural makeup of the perforation, and is shared by the proceeding and subsequent perforation, consequently, the perforations are integrally locked together. Therefore, the perforations form a chain by the material above and below, such that if the material weren't there, there wouldn't be a perforation, but a longitudinal slot in the film. Additionally, when any perforation is acted on by the toothed sprocket wheel, 16, movement is imparted to the film and conversely, the additional perforations, such that the motion of any part is constrained by another. The perforated chains are further depicted in the Figure below. As well, it

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is also noted that parallel tear lines, 19, distinguishes one backing sheet from next, such that the tear lines define a boundary separating each group of perforations, thereby each backing sheet is comprised of one set of chains. Furthermore, the applicant contends that the chains or belts are required to be separate from the film. However, there are no limitations in claim 1 that establish that the set of chains or belts could not be attached to the film.



### ***Specification***

3. The disclosure is objected to because of the following informalities:

Page 7, lines 28-29, state that "a spring-loaded roller 130 rolls past a cutting blade 132, as shown schematically in Figure 1." However, it does not appear that the roller and blade are shown in Figure 1 and therefore it appears that "Figure 1" should be changed to --Figure 4--.

On page 8, line 1, the end of the sentence is missing.

On page 9, line 16, the claim statement, "I claim" was left at the bottom of the specification and not continued onto the top of page 10, where the claims begin.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 7 is objected to because of the following informalities:

There is a lack of antecedent basis for "the housing" as set forth in claim 7, line 6, and should therefore be changed to -- a housing--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5,6,10-12, are rejected under 35 U.S.C. 102(b) as being anticipated by Stephenson (U.S. Patent 4,773,532). Stephenson discloses a dispenser for a hand covering (sterile gloves), comprising a housing (14) to receive a roll of thin, flexible film (roll, 11) having opposing side edges to be used as a hand covering (glove); a form (glove, 12) configured to be grasped by a user through the film (by inserting their hand

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in the glove) such that the film (12) temporarily clings to the user's hand; and a set of interlocking chains (17) or opposing belts on either side of the housing to retain the side edges of the film as it moves through the dispenser for each use.

In regards to claim 6, Stephenson discloses a hand shaped opening (22) to assist the a user in grasping the form (12)

In regards to claim 7, Stephenson discloses a dispenser (sterile glove dispenser), comprising a roll of thin, flexible film (11) having opposing side edges and an adhesive surface (the gloves are attached by adhesive to backing sheet 10) to be used as a hand covering (wherein the adhesive is on the outside of the glove which is used as a hand covering); a form (glove, 12) configured to be grasped by a user through the film (by inserting their hand in the glove) with the adhesive surface facing outwardly (on outside of the glove) such the film temporarily adheres to the user's hand by means of the glove 12, and a set interlocking chains (perforations 17; Figure 2, whereby each sheet has a set of chains) or opposing belts on either side of a housing to retain the side edges of the film as it moves though the dispenser for each use.

In regards to claim 12, Henderson discloses a hand-shaped opening (22) to assist a user in grasping the form.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson in view of Broehl (U.S. Publication 2002/0073821). Stephenson discloses a tear lines to cut the film into individual sheets as shown in Figure 2, but does not disclose a cutter. Attention is therefore directed to the Broehl device that discloses a sheet material dispenser wherein Broehl discloses that it is old and well known to provide a means of separating the sheet material by utilizing a pre-formed perforation line to tear the sheet material at set increments, or by providing a cutter bar that can tear the sheet material at indiscriminate increments. It would have been obvious to one having ordinary skill in the art to have provided a cutter bar on the device of Stephenson to increase its versatility so that it could be used with non-perforated sheet material as taught by Broehl.

#### ***Allowable Subject Matter***

9. Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach a dispenser with a housing being lifted up that when falls back into position is responsible of resetting the dispenser as set forth in claims 5 and 11.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,768,968 to Park et al., U.S. Patent 4,212,217 to Heppner, and U.S. Patent 6,749,097 to McElhinny.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Lee whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML  
03/21/2007

  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER